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HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6522 OF 2007.

Smt. Husenabi Yunus Shaikh & Anr. ..Petitioners.

V E R S U S

The State of Maharashtra & Ors. ..Respondents.

Anilkumar Patil for the petitioner.

C. R. Sonawnane A.G.P. for the State.

CORAM: S. B. MHASE &
D.G.KARNIK,JJ.
DATE: September 7, 2007.

P.C.

1. Heard. The petitioner has approached this Court seeking directions that the application dated 27.12.2006 preferred by the petitioner before the Sub Divisional Officer, Bhiwandi be directed to be disposed of within a stipulated time.

2. It appears that one Mr. Aslam Yunus Shaikh had filed an appeal in respect of the charge being created against his property. In the said appeal the present petitioner appeared as an Intervenor and participated in the said proceeding. Ultimately, the matter was remanded back. After remand while the matter was pending before the Tahasildar an application

has been made by the petitioner before the Sub-Divisional Officer (SDO) for review of the order. This petition is filed for direction to the SDO to decide that application. In our view the review application is misconceived in view of the fact that the initial enquiry which was remitted to the Tahasildar, has already been decided by the Tahasildar on 31st June 2006. As such since there is final adjudication by the Tahasildar after remand anything does not survive for the SDO to review the matter.

3. Learned counsel for the petitioner submitted that the review application is in the nature of an appeal as against the order dated 31st June 2006 passed after remand. However, on perusal of application we do not find any reference to the order dated 31st June 2006 decided by the Tahasildar. Therefore, the said application cannot be said as an appeal made by the petitioner being aggrieved by the decision of the Tahasildar dated 31st June 2006. Under these circumstances we do not find it appropriate to issue directions as prayed for.

4. Apart from that the directions are being directly sought from this Court against the SDO when in fact the Collector and the Commissioner are the

appellate authorites for that purpose and those authorities are vested with a power of superintendence and control over the SDO to whom the petitioner could have approached for the necessary directions. All these facts persuade us not to exercise our jurisdiction under article 226 of the Constitution of India. Petition is rejected.

(D.G.KARNIK, J.) **(S.B.MHASE, J.)**